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SECOND SUPPLEMENTAL REPORTER'S RECORD

VOLUME 1 OF 1 VOLUMES

APPELLATE CAUSE NO. 13-12-00368-CR

TRIAL COURT CAUSE NO. 11-CR-17-A

FILED IN
13th COURT OF APPEALS
CORPUS CHRISTI/EDINBURG, TEXAS
8/6/2014 4:26:56 PM
DORIAN E. RAMIREZ
Clerk

- - - - - x
: THE STATE OF TEXAS : IN THE DISTRICT COURT
: VS : 107TH JUDICIAL DISTRICT
: JAVIER DE LA ROSA, JR. : CAMERON COUNTY, TEXAS
: - - - - - x

HEARING ORDERED BY THE 13TH COURT OF APPEALS

On the 4th day of August, 2014, the following
proceedings came on to be heard in the above-entitled and
numbered cause before the Honorable Benjamin Euresti, Jr.,
Judge Presiding, held in Brownsville, Cameron County,
Texas.

Proceedings reported by computerized stenotype
machine.

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A P P E A R A N C E S

APPEARING FOR THE STATE OF TEXAS:

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VOLUME 1

AUGUST 4, 2014

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1 P R O C E E D I N G S

2 (Defendant present)

3 COURT COORDINATOR: Ms. RuBane is in the
4 courtroom on number eight.

5 THE COURT: Eight?

6 MS. RUBANE: Good morning, Your Honor
7 Rebecca RuBane for Javier De La Rosa, Jr. He's present in
8 the courtroom.

9 THE COURT: 11-CR-17, State of Texas versus
10 Javier De La Rosa, Jr.

11 MS. RUBANE: Your Honor, I had been
12 appointed by this Honorable Court to represent Mr. De La
13 Rosa on an appeal; and my brief was due with the 13th
14 Court of Appeals on July 18th of this year. However, I
15 did not file it timely and the 13th Court of Appeals has
16 sent it to you for further proceedings.

17 I can inform the Court that I have reviewed
18 the entire transcript more than twice, probably three
19 times. And although I'm going to be in trial all of this
20 week, I anticipate that I can have the brief ready within
21 two weeks from today's date. As the Court knows, I've
22 been ill and I'm undergoing treatment still twice a day,
23 but I am doing a lot better and I think I can meet the
24 deadline in two weeks.

25 MR. GILMAN: Judge, the state is aware that

1 Ms. RuBane has had problems with her health lately. And
2 we're willing to accept the brief if it's all right with
3 the Court of Appeals within two weeks.

4 THE COURT: All right. The Court is aware
5 of the health issues with counsel. So then the Court will
6 make a finding that the brief will be submitted within two
7 weeks, that there's no finding of effective assistance of
8 counsel at this time, so I do not need to appoint anyone
9 else.

10 MS. RUBANE: Thank you, Your Honor. I do
11 appreciate the time.

12 THE COURT: Anything else?

13 MS. RUBANE: Nothing from the defendant.
14 May I be excused?

15 THE COURT: You're excused.

16 MS. RUBANE: Thank you.

17 **(The Court disposed of another matter)**

18 MS. RUBANE: Your Honor, may I address the
19 Court on the Javier De La Rosa matter?

20 THE COURT: Go ahead.

21 MS. RUBANE: Your Honor, he was bench
22 warranted down from Midway where he's currently
23 incarcerated. If the Court would allow him to be here
24 three extra days before he's sent back so I can be in
25 touch with him or have my investigator talk to him before

1 he's sent back to Midway, it would alleviate travel up
2 there for my part.

3 THE COURT: I'll grant that request.

4 MS. RUBANE: Thank you, Your Honor.

5 THE COURT: Three days for the record.

6 **END OF PROCEEDINGS**
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PAM L. ESQUIVEL, CSR, RMR, CRR

1 THE STATE OF TEXAS:

2 COUNTY OF CAMERON:

3 CERTIFICATE OF COURT REPORTER

4 I, PAM L. ESQUIVEL, Official Court Reporter in and
5 for the 107th Judicial District Court of Cameron County,
6 State of Texas, do hereby certify that the above and
7 foregoing contains a true and correct transcription of all
8 portions of evidence and other proceedings requested in
9 writing by counsel for the parties to be included in this
10 volume of the Reporter's Record, in the above-entitled and
11 numbered cause, all of which occurred in open court or in
12 chambers and were reported by me.

13 I further certify that this Reporter's Record of the
14 proceedings truly and correctly reflects the exhibits, if
15 any, admitted by the respective parties.

16 WITNESS MY OFFICIAL HAND on this the 6th day of
17 August, 2014.

18 /S/ Pam L. Esquivel
19 PAM L. ESQUIVEL, Texas CSR, RMR, CRR
20 Official Court Reporter
21 107th District Court
22 974 East Harrison Street
23 Brownsville, Texas 78520
24 (956) 550-1470
25 Certificate No. 2369
Expiration Date: 12/31/14

PAM L. ESQUIVEL, CSR, RMR, CRR